REMARKS

The Examiner rejects claims 1-2, 4-12, and 14-28 under 35 U.S.C.§103(a) as being unpatentable over Peltz, U.S. Patent 6,546,097, in view of DeJesus et al., U.S. Patent 6,430,271.

Neither Peltz nor DeJesus et al. teach or suggest, individually or collectively, at least the italicized features of the rejected independent claims:

1. A method for use in managing outgoing calls in a call center, comprising:

initiating a call to a first party from the call center via a communication medium,

wherein, before the call is answered, a first agent of the call center has been selected to service the call;

monitoring said communication medium for signals received from a called location associated with said first party after said step of initiating a call;

detecting an initial audible signal received from the first party location via said communication medium, wherein the initial audible signal is the first signal detected on the communication medium after said call is answered;

initiating processing of said initial audible signal in a call classifier to determine a characteristic of said initial audible signal, said step of initiating processing includes initiating processing that will analyze whether said initial audible signal was generated by a live party; and

playing a prerecorded greeting over said communication medium during said call, said prerecorded greeting being played during a time period when said call classifier is processing said initial audible signal, wherein the analysis whether said initial audible signal was generated by a live party is the initial call classifier analysis made during the call, and *wherein the prerecorded greeting is recorded in the voice of the first agent.*

8. A method for use in managing an outgoing call comprising the steps of:

placing an outgoing call from a call center to a remote party location over a communication network, *wherein, before the placing step, a first agent of the call center has been selected to handle the outgoing call when the call is answered by a live party at the remote party location*;

processing an initial signal received from said remote party location during said call to determine a source type of said initial signal, wherein the processed signal is the first signal detected from the remote party location after said call is answered;

playing a prerecorded greeting to said remote party location during said step of processing, wherein said step of playing a prerecorded message includes detecting a period of silence after receipt of said initial signal and initiating playback of said prerecorded greeting in response thereto, and *wherein the prerecorded greeting is recorded in the voice of the first agent*; and

after said prerecorded greeting has ended, establishing a talk path between the first agent and the remote party location when it is determined that said initial signal is a voice signal that was generated by the live party during the call, and wherein the determination whether the initial signal is a voice signal that was generated by the live party during the call is the initial such determination made during the call.

15.   A system for use within a call center, comprising:

a call processing unit operable to place a call to a remote party location via a communication network, *wherein, before the call is placed, a first agent is assigned to service the call if the call is answered by a live party at the remote party location;*

a call classifier unit operable to determine when said call is answered, detect an audible signal from the remote party location, and analyze a first detected audible signal received from said remote party location to determine whether said first detected audible signal originated from the live party during the call, wherein the first detected audible signal is the first signal detected by the call classifier unit after said call is answered;

a message playback unit operable to play back a prerecorded message to said remote party location while said call classifier unit is analyzing said first detected audible signal, *wherein the prerecorded message is recorded in the voice of the first agent*; and

a switch unit operable to establish a talk path between a local agent position and said remote party location when it is determined by said call classifier unit that said first detected audible signal originated from the live party during the call, and wherein the determination whether the first detected audible signal is a voice signal that was generated by the live party during the call is the initial such determination made during the call.

As shown by the above claims, the present invention is directed generally to the playing of a message, such as a prerecorded personal greeting, during processing of the initial or first audible signal detected during a call. The prerecorded message is in the voice of the agent assigned to service the outgoing call.   Not only does the playing of the greeting during processing reduce the frequency of hang ups by callees but also the use of a prerecorded greeting in the voice of the agent lightens the burden on the agent assigned to handle the call as he/she does not have to repeat the same greeting for every call placed (Specification at page 3, lines 1-6). Playing the message can provide increased agent efficiency as the agent is not required to waste time making appropriate greetings to the called party and can also reduce called party

confusion and frustration from the playing of an initial generic greeting recorded in the voice of someone other than the agent followed by a second greeting in the voice of the agent.

<u>Peltz</u>

Peltz is directed to an automatic call distribution system that includes an automatic call distributor, an answer detector, and an introductory signal generator. The signal generator generates introductory signals to be sent towards a called party while the answer detector employed by the automatic call distribution center is monitoring for the presence of the called party. When a call that is dialed to the called party by the automatic call distribution system is answered by an external telephonic unit of the called party, the automatic call distribution system couples an answer detector to the call. The answer detector of the automatic call distribution system monitors the call for the presence of the called party while concomitantly sending a generated and coupled introductory signal towards the called party to be heard by the called party. The generated introductory signal simulates background noise. When the called party makes a response, the answer detector then detects the presence of the called party for the purpose of routing the call.

Peltz teaches away from the present invention's use of a greeting, particularly a greeting in the voice of the agent who will be servicing the answered call. At col. 4, lines 39-59, Peltz states as follows:

> The introductory signals that are generated by the introductory signal generator 42 would preferably be, but need not be, a simulation of room background that is commonly heard by a party to a conversation through the other party's telephone. The method of signal generation employed by the introductory signal generator 42 could be accomplished by a pseudo-random noise generator, but it need not be. The introductory signal may also be generated through the reproduction or other use of any *repeating or continuous* recorded signal on any recording media, such as a tape loop or other media. It may be generated through the use of one or more processors. The specific signals generated by the introductory signal generator 42 need not be identical for each outdialed call. *The more closely the introductory signal simulates common background noise, the more likely the signal is to succeed in its ability to keep the called party on the line of his or her external*

-11-

telephonic unit 32. Introductory signals may be sent other than those simulating common background noise, but the introductory signal generator 40 will preferably be configured to generate an introductory signal which simulates background noise.

(Emphasis supplied.) In contrast, the present invention uses, a typically nonrepeating and discontinuous, greeting, preferably one in the voice of the servicing agent. As conceded by the Examiner, Peltz does not disclose the prerecorded greeting being recorded in the voice of the first agent. (Office Action at page 3.) Contrary to Peltz' statement that the more closely the introductory signal simulates common background noise the more likely the signal is to succeed in keeping the called party on the line, Applicant believes that a greeting, particularly one in the voice of the servicing agent, has a higher likelihood of keeping the called party on the line and offers the further benefit, which can be substantial, of decreasing the amount of time the agent requires to service the call.

<div align="center">DeJesus et al.</div>

De Jesus et al. is directed to a method and apparatus that generates a message in response to an inquiry. The message is generated by applying an inquiry to a data table contained within a receiving device. A call identifier is associated with the inquiry. An agent is then selected from an agent group corresponding to the call identifier. The call identifier is then supplied to an interface message device. An agent message associated with the selected agent is chosen from an agent message database based on the call identifier. The agent message is then supplied to the source of the inquiry (or the inbound caller). The architecture of DeJesus et al. is directed to inbound, not outbound, calls. Unlike the present invention, the agent is only selected after the call is initiated by the caller. In contrast, the architecture of the present invention initiates the call after the agent is selected.

Contrary to the Examiner's statements, it would not be obvious to one of ordinary skill in the art to combine Peltz with DeJesus et al. to realize the claimed invention. As noted

previously, Peltz teaches that the more closely the introductory signal simulates common background noise, the more likely the signal is to succeed in its ability to keep the called party on the line of his or her external telephonic unit. *Peltz thus explicitly teaches away from the use of a message recorded in the voice of a selected agent.* In fact, Peltz does not teach selecting the agent to service the call before the call is placed or answered, which is required to play a recorded message in the voice of a selected agent during initial signal processing. Moreover, the messages are played by Peltz and DeJesus et al. for different reasons. In Peltz, the message is played to mask signal processing for the purposes of determining whether a live party answered the call. In DeJesus et al. the message is played to mask the routing of the call to the selected agent. Finally, the architectures of Peltz and DeJesus et al. accomplish completely different functions. Peltz is directed to predictive dialers which makes outbound calls while DeJesus et al. is directed to a call center handling incoming calls.
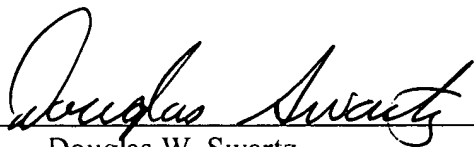
Accordingly, the pending claims are allowable.

The dependent claims provide further reasons for allowance.

Based on the foregoing, Applicant respectfully requests allowance of all of the pending claims.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: _Douglas Swartz_
Douglas W. Swartz
Registration No. 37,739
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: *Feb. 25, 2004*

J:\4366\-6\Amendment.005.doc

-13-